

House Bill 492

By: Representatives Rich of the 97th, Moore of the 95th, and Wilson of the 80th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated,
2 relating to dispossessory proceedings, so as require applications for execution of a writ of
3 possession be made within 30 days of the issuance of the writ unless good cause is shown;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to
8 dispossessory proceedings, is amended by revising Code Section 44-7-49, relating to "writ
9 of possession" defined, as follows:

10 "44-7-49.

11 As used in this article, the term:

12 (1) 'Application for execution of a writ of possession' means the request or application
13 for a sheriff, constable, or marshal to execute a writ of possession which was issued
14 pursuant to this article.

15 (2) 'Writ' 'writ of possession' means a writ issued to recover the possession of land or
16 other property and such writ shall not contain restrictions, responsibilities, or conditions
17 upon the landlord in order to be placed in full possession of the land or other property."

18 **SECTION 2.**

19 Said article is further amended in Code Section 44-7-55, relating to judgment, writ of
20 possession, landlord's liability for wrongful conduct, distribution of funds paid into court, and
21 personal property, by adding new subsections to read as follows:

22 "(d) Subject to subsection (a) of this Code section and Code Section 44-7-59, applications
23 for execution of a writ of possession shall be made within 30 days of issuance of the writ
24 of possession unless the application for said writ is accompanied by an affidavit showing
25 good cause for the delay in applying for execution of the writ.

26 (e) Nothing in this Code section shall require a landlord, sheriff, constable, or marshal to
27 execute a writ of possession within 30 days from the issuance of any order granting a writ
28 of possession, or the issuance, application, or request for the execution of the writ of
29 possession."

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SECTION 3.

31 All laws and parts of laws in conflict with this Act are repealed.